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| —154. Information relating to the commission of a cognizable offence given orally to an officer in charge of a police-station and reduced to writing by him or under his direction, according to the provisions of section 154, Code of Criminal Procedure, becomes a "public document" under section 74, Evidence Act, and its contents may be proved by a certified copy under section 77. A police-officer is a "public officer" under section 74, Evidence Act, the certified copy must be given by the public officer having the custody of the document as provided in section 76, Evidence Act ... | 24 | 1892 to 1896 |
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King-Emperor v. Nga Pwe, U.B.R., 1904—06, I. Cr. Pro., 51.

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—341—The power of the High Court under —The criminal responsibility of deaf-mutes.

Queen-Empress v. Bauka, 22 W. R., CrL., 35, 72; *Queen-Empress v. Somir Baura*, I.L.R., 27, Cal., 368 = 4 C.W.N., 421; *Halder v. Kamte*, 22 W. R., 35; *Atu Ram v. Empress*, P.R., 1885, p. 98; *Empress v. Gahna*, P.R., 1880, p. 139.

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—236, 237, 238.—Where an accused was sent up for trial under section 395, Indian Penal Code, charged under section 392 and convicted without the charge being changed of an offence under section 458, and the Magistrate held that as the accused's defence was an *alibi* he was not therefore prejudiced by the conviction being under section 458, though he had not been charged thereunder.—*Held*—that this doctrine cannot be received as being correct as the change in the charge did not fall within the purview of sections 236—238, Code of Criminal Procedure.

Crown v. Nga Chit Pe, I L.B.R., 287—288.

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Appana v. Mahalakshmi, 8 Mad., L.T., 313.

Sami Ayya v. K. E., I.L.R. 26 Mad. 478.

O.E. v. Jabanulla, I.L.R., 23 Cal. 975.

Shere Ali v. Crown, Punj. Rec. 1 of 1874.

O.E. v. Madhub Chandar Giv Mahmut, 21 W.R. CrL., 13.

Maung Sein v. Maung Hmo, U.B.R., 1897—01, 103.

Mi Hla So v. Nga Than, CrL. Revision No. 718 of 1910 (unpublished).

Mi So v. Mi Shwe Ma, CrL. Revision No. 126 of 1910 (unpublished).

Nga Pwin v. Po Min, CrL. Revision No. 125 of 1908 (unpublished).

Ali Muddin v. Meah Jan ...

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Nga Paw U v. King-Emperor, U.B.R., 1907—09, I, Crml. Pro., 1.

Begu Singh v. Emperor, XI C.W.N., 568.

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Mohendra Nath Misr v. Emperor, XII C.W.N., 848.

Jyotish Chandra Mukarji v. Emperor, I.L.R. 36 Cal., 95, and XIV C.W.N., 82.

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—, 350.—Held,—that an omission to ask the accused whether he wished to exercise his right reserved by proviso (a) to section 350, Criminal Procedure Code, to recall witnesses for the prosecution does not necessarily constitute a material irregularity which would necessarily invalidate the proceedings, unless it can be shown from the proceedings that the accused has been materially prejudiced thereby or a failure of justice was occasioned by the omission.

O. E. v. Nga Po Min and three others, U.B.R., 1897—01, I, 87.

Amir Khan v. Emperor, Punjab Record, Vol. XXXVIII (1903), 8 ...

—, 403 (4).—Held,—that though as a general rule the High Court will not interfere with an order of acquittal yet in a summons case where the Court has acquitted the accused on their mere denial without examining any of the witnesses for the prosecution, though they were ready to be examined, it is very proper to interfere in revision and direct a new trial.

Nga Po Han and one v. Nga Tha Le Ni and one, U.B.R., 1897—01, I, 91 ...

—, 353, 537.—Held,—that all evidence for the prosecution and defence shall be taken in the presence of the accused, or when his personal attendance is dispensed with, in the presence of his pleader. Held, also,—that failure to comply with the provisions of section 353, Code of Criminal Procedure, is not curable by section 537, even though such failure has led to no miscarriage of justice.

O. E. v. Gotiram, Ratanlal's Unreported Cases of the High Court of Bombay, p. 322.

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